

The opinion in support of the decision being entered today was not written for publication in a law journal and is not binding precedent of the Board.

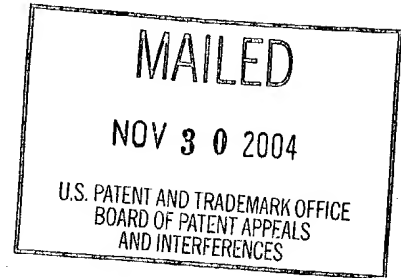
UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

Ex parte STEPHEN M. ANDERTON,  
RUURD VAN DER ZEE, and  
WILLEM VAN EDEN

Appeal No. 2004-1723  
Application 08/716169

**ORDER DISMISSING APPEAL**



Before HARKCOM, Acting Chief Administrative Patent Judge, and  
WILLIAM F. SMITH and JEFFREY V. NASE, Administrative Patent Judges.


Per curiam.

On October 5, 2004, counsel for the appellants filed a Request for Continued Examination (RCE) under 37 CFR § 1.114. Pursuant to the notice entitled "Request for Continued Examination Practice and Changes to Provisional Application Practice," 65 Fed. Reg. 50092, 50095 (Aug. 16, 2000), and the provisions of 37 CFR § 1.114(d), a request for continued examination under 37 CFR § 1.114 filed after appeal has been taken, but prior to a decision on the appeal, "will be treated as a request to withdraw the appeal and to reopen prosecution of the application before the examiner."


Accordingly, the appeal in this application is dismissed.

Appeal No. 2004-1723  
Application 08/716,169

The application is being returned to the examiner for further action as may be appropriate.

  
Gary V. Harkcom, Acting Chief  
Administrative Patent Judge

  
William F. Smith  
Administrative Patent Judge

  
Jeffrey V. Nase  
Administrative Patent Judge

# BOARD OF PATENT APPEALS AND INTERFERENCES

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